

# INTERNATIONAL SEARCH REPORT

Inter Application No  
PCT/CA 03/00838

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61P27/06 A61K31/4015 A61K31/41 C07D403/12

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61P A61K C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BEILSTEIN Data, CHEM ABS Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DATABASE WPI Section Ch, Week 200247 Derwent Publications Ltd., London, GB; Class B03, AN 2002-443972 XP002252111 - & WO 02 24647 A (ONO PHARM CO LTD), 28 March 2002 (2002-03-28) cited in the application	1-13, 15-22, 26
X	abstract	14, 23-25
Y	WO 02 42268 A (PFIZER PROD INC ; CAMERON KIMBERLY O KEEFE (US); LEFKER BRUCE ALLEN) 30 May 2002 (2002-05-30) cited in the application page 1, line 1; claim 1 -/-	17-26

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \* & \* document member of the same patent family

Date of the actual completion of the international search

22 August 2003

Date of mailing of the international search report

11/09/2003

Name and mailing address of the ISA

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 00 38667 A (ALCON LAB INC ;KLIMKO PETER G (US); SHARIF NAJAM A (US); GRIFFIN B) 6 July 2000 (2000-07-06) cited in the application page 10, line 6-10 -----	1-13, 20-22
Y	WO 00 38663 A (SHARIF NAJAM A ;ALCON LAB INC (US)) 6 July 2000 (2000-07-06) cited in the application page 6, line 11-13 -----	15,16, 23-25

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## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
Although claims 1-16 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 1,10,17,20,21,23,24 (all part)  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1,10,17,20,21,23,24 (all part)

Present claims 1, 10, 17, 20, 21, 23, 24 relate to products and methods defined by reference to a desirable characteristic or property, namely prodrugs. The claims cover all products and methods having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such products and methods. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the product/method by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the products of formula I and methods using compounds of formula I, their pharmaceutically acceptable salts, enantiomers, diastereomers and mixtures thereof.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 0224647	A	28-03-2002	AU	9025001 A		02-04-2002
			WO	0224647 A1		28-03-2002
WO 0242268	A	30-05-2002	AU	1084802 A		03-06-2002
			CA	2429850 A1		30-05-2002
			WO	0242268 A2		30-05-2002
			US	2003149086 A1		07-08-2003
			US	2002065308 A1		30-05-2002
WO 0038667	A	06-07-2000	AU	2211700 A		31-07-2000
			WO	0038667 A2		06-07-2000
			US	6545045 B1		08-04-2003
WO 0038663	A	06-07-2000	AU	2183900 A		31-07-2000
			WO	0038663 A2		06-07-2000
			US	6344477 B1		05-02-2002